

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

MICHAEL T. FLYNN,

Defendant

Crim. No. 17-232 (EGS)

NOTICE OF DISCOVERY CORRESPONDENCE

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, hereby files with the Court an inventory of the discovery correspondence in this case, all of which have been served upon the defendant's counsel. The discovery provided is itemized as follows:

- On November 22, 2017, the government transmitted to defense counsel by email the FD-302 summarizing the January 24, 2017, interview of the defendant ("January 24 interview").
- On November 30, 2017, the government communicated orally to defense counsel that, as part of the DOJ Inspector General's ("IG") review of allegations regarding actions by the DOJ and FBI in advance of the 2016 election, the IG had identified electronic communications of one of the agents who interviewed the defendant on January 24, 2017, former Deputy Assistant Director ("DAD") Peter Strzok, that showed a preference for one of the candidates for President. The government further relayed to defense counsel that those communications were part of the IG's review, including the IG's assessment as to whether those communications constituted misconduct by DAD Strzok. Additionally, the government informed defense counsel that DAD Strzok said that the defendant had a sure demeanor and did not give any indicators of deception during the January 24 interview, and that both he and the second interviewing agent had the impression at the time that the defendant was not lying or did not think he was lying. In response to these disclosures, the government answered questions from defense counsel.¹
- On March 13, 2018, the government provided a flash drive containing 14 attachments, comprised of 1,160 pages of documents relating to the defendant's

¹ Defense counsel acknowledged receipt of these disclosures in a June 6, 2019, letter to Attorney General William Barr.

false statements to the FBI on January 24, 2017, and 21,142 pages of documents relating to the March 7, 2017, FARA filings (“FARA filings”).

- On May 25, 2018, the government provided a draft of the January 24 interview report; summaries of the interviews of four individuals related to the defendant’s false statements to the FBI on January 24, 2017; a summary of an internal DOJ document, dated January 30, 2017, in which the FBI advised the DOJ that it did not believe that the defendant was acting as an agent of Russia; a summary of interviews of White House and transition officials concerning the defendant’s conversations with Ambassador Kislyak; five pages of documents related to the FARA filings; and summaries of the interviews of four individuals related to the FARA filings.
- On June 1, 2018, the government provided two additional drafts of the January 24 interview report.
- On June 24, 2018, the government provided a letter to defense counsel providing notice of existence of 48 emails in possession of a filter team, a link to additional DAD Strzok text messages released by the IG, and summaries of the interviews of two individual related to the FARA filings.
- On October 4, 2018, the government provided defense counsel with two documents containing communications of DAD Strzok.
- On November 8, 2018, the government provided defense counsel with a summary of its investigation into whether (i) the FD-302 for the January 24 interview was altered to strengthen a false statement charge against the defendant; and (ii) the interviewing agents were pressured to “get” the defendant, most of which the government had previously communicated orally to defense counsel. Attached to this letter were interview reports pertaining to these unfounded allegations.
- On December 14, 2018, the government provided defense counsel with a summary of an interview of an individual related to the defendant’s false statements to the FBI on January 24, 2017.
- On August 3, 2019, the government provided defense counsel, by email, a detailed explanation regarding access to classified information.
- On August 16, 2019, the government provided defense counsel with a courtesy copy of documents that it was providing in response to a Congressional inquiry.

The government further notes that the summaries of the interviews of five individuals related to the defendant's false statements to the FBI on January 24, 2017, were provided to the Court on December 14, 2018, for *in camera* review; at that same time, the government also provided the FD-302s of those five interviews to the court.

Respectfully submitted,

JESSIE K. LIU
United States Attorney
D.C. Bar No. 472845

By: /s/_____

Brandon L. Van Grack
Special Assistant U.S. Attorney
950 Pennsylvania Ave., NW
Washington, DC 20530
(202) 233-0968

Jocelyn Ballantine
Assistant United States Attorney
555 4th Street NW
Washington, D.C. 20530
(202) 252-7252

Dated: October 1, 2019

CERTIFICATE OF SERVICE

I, Jocelyn Ballantine, certify that I caused to be served a copy of the foregoing by electronic means on counsel of record for the defendant on October 1, 2019.

/s/
Jocelyn Ballantine
Assistant United States Attorney
555 4th Street, NW
Washington, DC 20530
(202) 252-7252